

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 1-26 were pending in this application. Claims 1-16, 23, 25 and 26 stand rejected, and claims 17-22 and 24 have been withdrawn from consideration. Claims 1, 5-7, 10-16, 23 and 26 are amended herein, and claims 2, 4, 8, 9, 17-22, 24 and 25 are cancelled herein. Thus, claims 1, 3, 5-7, 10-16, 23 and 26 are currently pending in this application. No new matter has been added.

Upon reviewing the Office Action Summary page, the Applicants discovered that the Examiner did not acknowledge the claim for foreign priority for this application. Applicants would like to remind the Examiner that a certified copy of the priority document (i.e., Japanese Patent Application No. 2003-081467) was submitted with the original application filed on March 18, 2004. Accordingly, the Applicants respectfully request that the Examiner acknowledge the claim for foreign priority in the next Action for this application.

Claims 2 and 11 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 2 is cancelled herein, thus rendering the 35 U.S.C. § 112, first paragraph rejection of claim 2 moot.

Regarding claim 11, the Examiner asserted that it “is unclear in the specification how content on a medium may be recorded on the same medium as the first medium, wherein the first content information on the same medium is retained and not erased.” Claim 11 is amended herein to recite that “the first content is recorded on the recording medium by a first copyright protection method;” and to recite that “the second content is the same as the first content, and the second copyright protection method is different from the first copyright protection method.”

Support for claim 11 and the amendments to claim 11 can be found in the specification from page 23, line 25, to page 24, line 8. Specifically, lines 4-8 on page 24 explain that “recording a single content by both of the CPRM recording method and the CPS-2 recording method allows the playback apparatus 200 which corresponds to only one of the recording methods to use the recording medium 200 which records the content.” By virtue of describing

“recording a single content by both of the CPRM recording method and the CPS-2 recording method,” the specification provides adequate written description for the above-discussed recitations of claim 11. Moreover, one of ordinary skill in the art at the time the invention was made would have been able to easily record a second content on a recording medium while retaining a first content recorded on the same recording medium.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 112, first paragraph rejection of claims 2 and 11 be withdrawn.

Claims 14-16 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 14 has been amended to address the Examiner’s concerns.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of claims 14-16 be withdrawn.

Claims 25 and 26 have been rejected under 35 U.S.C. § 101 on the basis that the claimed inventions are directed towards non-statutory subject matter. Claim 25 is cancelled herein, thus rendering the 35 U.S.C. § 101 rejection of claim 25 moot.

Claim 26 has been amended to recite a “computer-readable recording medium having recorded thereon a program . . . , the program causing a computer to execute at least the following:” Thus, amended claim 26 recites statutory subject matter.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 101 rejection of claims 25 and 26 be withdrawn.

The claims have been rejected as indicated below.

Claims 1-4, 23, 25 and 26 have been rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Applicants’ admitted prior art (hereinafter referred to as “AAPA”).

Claims 5-7 and 10-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Sako et al. (U.S. Patent Application Publication No. 2003/0012098) (hereinafter referred to as “Sako”).

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the

AAPA in view of Strom et al. (U.S. Patent Application Publication No. 2004/0003274) (hereinafter referred to as “Strom”).

Claims 9 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Nagai et al. (U.S. Patent Application Publication No. 2002/0015494) (hereinafter referred to as “Nagai”).

Claim 14 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Andreaux et al. (U.S. Patent Application Publication No. 2003/0051153) (hereinafter referred to as “Andreaux”).

Claims 15 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Andreaux, and further in view of Nagai.

Independent claims 1, 23 and 26 have been amended to distinguish over the references cited by the Examiner. Support for the amendments can be found in the specification on page 19, line 10 to page 23, line 24.

The above rejections are submitted to be inapplicable to the amended claims for the following reasons.

In contrast to the present invention as recited in claim 1, the AAPA does not disclose a recording apparatus including, in part, a recording unit operable to record the content onto the recording medium according to one of a plurality of recording copyright protection methods, wherein each of the copyright methods protects a content using at least one of an encryption and a signature, and has a different security level, and the security level of each of the plurality of copyright protection methods and the image quality of the content are associated with each other such that a higher security level is associated with a higher image quality of the content.

Moreover, the AAPA does not disclose that when the type of the recording medium identified by the recording medium type identification unit is compliant with the plurality of copyright protection methods, the recording unit records the content on the recording medium according to one of the plurality of copyright protection methods having a security level corresponding to the image quality of the content identified by the content image quality identification unit, from the plurality of the copyright protection methods compliant with the

recording medium identified by the recording medium type identification unit, as recited in claim 1.

Instead, the AAPA describes a recording apparatus 1301 including a recording medium 1303 and a recording method selection unit 1302 that selects a recording method according to a type of a source and selects the CPRM recording method when the content requires content protection, and selects the Non-CP recording method when the content does not require content protection. Thus, the CPRM recording method provides content protection while the Non-CP recording method does not provide content protection. Moreover, there is no disclosure or suggestion in the AAPA to modify the recording apparatus 1301 such that the recording method selection unit 1302 selects one of a plurality of recording copyright protection methods that each have a different security level and each protect content using at least an encryption and signature.

Consequently, the AAPA does not disclose *a recording apparatus including a recording unit operable to record content onto a recording medium according to one of a plurality of recording copyright protection methods, wherein each of the copyright methods protects a content using at least one of an encryption and a signature, and has a different security level, and the security level of each of the plurality of copyright protection methods and the image quality of the content are associated with each other such that a higher security level is associated with a higher image quality of the content.*

Moreover, the AAPA does not disclose that *when the type of the recording medium identified by the recording medium type identification unit is compliant with the plurality of copyright protection methods, the recording unit records the content on the recording medium according to one of the plurality of copyright protection methods having a security level corresponding to the image quality of the content identified by the content image quality identification unit, from the plurality of the copyright protection methods compliant with the recording medium identified by the recording medium type identification unit.*

For at least the reasons discussed above, it is believed clear that the AAPA fails to disclose or suggest the present invention as recited in claim 1.

Regarding the combination of the AAPA and Sako, Sako is relied upon in the rejection as

disclosing the features recited in claims 5-7 and 10-13. However, it is clear that Sako also fails to disclose or suggest the above-discussed distinguishing features of the recording apparatus recited in claim 1.

Regarding the combination of the AAPA and Strom, Strom is relied upon in the rejection as disclosing wherein the recording method selection unit further selects the one recording method out of the plurality of recording methods based on a security level required for the content. However, it is clear that Strom also fails to disclose or suggest the above-discussed distinguishing features of the recording apparatus recited in claim 1.

Regarding the combination of the AAPA and Nagai, Nagai is relied upon in the rejection as disclosing that “wherein the recording method selection unit further selects the one recording method out of the plurality of recording methods based on quality of the content.” However, it is clear that Nagai also fails to disclose or suggest the above-discussed distinguishing features of the recording apparatus recited in claim 1.

Regarding the combination of the AAPA, Andreaux and Nagai, as discussed above, it is clear that each of these references fails to disclose or suggest the above-discussed distinguishing features of the recording apparatus recited in claim 1.

Claims 23 and 26 are patentable over the references relied upon in the rejections for reasons similar to those set forth above in support of claim 1. That is, each of claims 23 and 26 similarly recite *recording content onto a recording medium according to one of a plurality of copyright protection methods, wherein each of the plurality of copyright methods protects a content using at least one of an encryption and a signature, and has a different security level.*

Moreover, claims 23 and 26 each recite that *the security level of each of the plurality of copyright protection methods and the image quality of the content are associated with each other such that a higher security level is associated with a higher image quality of the content.*

Furthermore, claims 23 and 26 each recite that *when the type of the recording medium identified by an identifying a type of the medium operation is compliant with the plurality of copyright protection methods, in a recording operation the content is recorded on the medium according to one of the plurality of copyright protection methods having a security level*

*corresponding to the image quality of the content identified by a content image quality identification unit, from the plurality of copyright protection methods compliant with the recording medium identified by a recording medium type identification unit.*

For at least the reasons set forth above, it is believed clear that claims 1, 23 and 26 are not anticipated by the AAPA under 35 U.S.C. § 102(b). Furthermore, for at least the reasons set forth above, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would not have found it obvious to modify the AAPA under 35 U.S.C. § 103(a) in such a manner as to result in the invention of claims 1, 23 and 26. Therefore, it is respectfully submitted that claims 1, 3, 5-7, 10-16, 23 and 26, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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